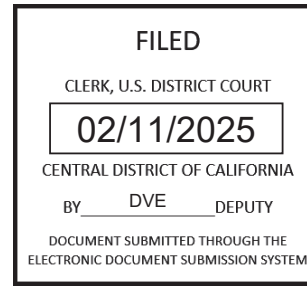


Name Xingfei Luo  
Address PO BOX 4886  
City, State, Zip El Monte, CA 91734  
Phone \_\_\_\_\_  
Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_  
☐ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☐ Retained



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Xingfei Luo

PLAINTIFF(S),

v.

THE PEOPLE OF CALIFORNIA

DEFENDANT(S).

CASE NUMBER:

8:22-cv-01640-MEMF-KES

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Xingfei Luo hereby appeals to  
*Name of Appellant*  
the United States Court of Appeals for the Ninth Circuit from:

**Criminal Matter**

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]  
☐ Conviction and Sentence  
☐ Sentence Only (18 U.S.C. 3742)  
☐ Pursuant to F.R.Cr.P. 32(j)(2)  
☐ Interlocutory Appeals  
☐ Sentence imposed:

☐ Bail status:

**Civil Matter**

☐ Order (specify):

☐ Judgment (specify):

☒ Other (specify):

Denial of habeas corpus petition

Imposed or Filed on 02/05/25. Entered on the docket in this action on 02/05/25.

A copy of said judgment or order is attached hereto.

02/11/2025

Date

/s/ Xingfei Luo

Signature

☒ Appellant/ProSe

☐ Counsel for Appellant

☐ Deputy Clerk

**Note:** The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

XINGFEI LUO,

Petitioner,

v.

THE PEOPLE OF CALIFORNIA,

Respondent.

Case No. 8:22-cv-01640-MEMF-KES

**JUDGMENT**

Pursuant to the Court's Order Accepting Report and Recommendation of  
U.S. Magistrate Judge,

IT IS ADJUDGED that the First Amended Petition is denied with prejudice.

DATED: February 5, 2025



MAAME EWUSI-MENSAH FRIMPONG  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

XINGFEI LUO,

Petitioner,

v.

THE PEOPLE OF CALIFORNIA,

Respondent.

Case No. 8:22-cv-01640-MEMF-KES

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

“Unless a circuit justice or judge issues a certificate of appealability [“COA”], an appeal may not be taken to the court of appeals from ... the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court[.]” 28 U.S.C. § 2253(c)(1)(A).

Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts provides in relevant part:

(a) **Certificate of Appealability.** The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue.

1 If the court issues a certificate, the court must state the specific issue  
2 or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2).  
3 If the court denies a certificate, the parties may not appeal the denial  
4 but may seek a certificate from the court of appeals under Federal  
5 Rule of Appellate Procedure 22. A motion to reconsider a denial does  
6 not extend the time to appeal.

7 (b) **Time to Appeal.** Federal Rule of Appellate Procedure 4(a)  
8 governs the time to appeal an order entered under these rules. A  
9 timely notice of appeal must be filed even if the district court issues a  
10 certificate of appealability.

11 Rule 11, Rules Governing 28 U.S.C. § 2254 Cases.

12 A COA may issue “only if the applicant has made a substantial showing of  
13 the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To obtain a COA, a  
14 habeas petitioner must show that “reasonable jurists could debate whether (or for  
15 that matter, agree that) the petition should have been resolved in a different manner  
16 or that the issues presented were adequate to deserve encouragement to proceed  
17 further.” Slack v. McDaniel, 529 U.S. 473, 483-84 (2000) (citation omitted). “The  
18 COA inquiry ... is not coextensive with a merits analysis.” Buck v. Davis, 580  
19 U.S. 100, 115 (2017). “[A] claim can be debatable even though every jurist of  
20 reason might agree, after the COA has been granted and the case has received full  
21 consideration, that petitioner will not prevail.” Miller-El v. Cockrell, 537 U.S. 322,  
22 338 (2003); see also Frost v. Gilbert, 835 F.3d 883, 888 (9th Cir. 2016) (“The  
23 standard for granting a certificate of appealability is low.”).

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1 In the present case, the Court finds that Petitioner has not made the foregoing  
2 showing with respect to any of the grounds for relief alleged in the Petition.  
3 Accordingly, a COA is denied in this case.

4  
5 DATED: February 5, 2025



6 MAAME EWUSI-MENSAH FRIMPONG  
7 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I declare that I electronically filed the forgoing with the United States District Court, Central District of California. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

In addition, I electronically served the forgoing to the following email address:

[michael.butera@doj.ca.gov](mailto:michael.butera@doj.ca.gov)

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed on February 11, 2025

/s/ XINGFEI LUO

XINGFEI LUO, In Pro Per